



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/Q5300/X/25/3358454

79 Norfolk Road, Enfield, London EN3 4BE

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Irfan Ercan against the decision of the Council of the London Borough of Enfield.
 - The application ref 24/03755/CEU, dated 5 November 2024, was refused by notice dated 3 January 2025.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which an LDC is sought is use of premises as two self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 79 Norfolk Road is a two-storey mid-terraced former dwelling that has been converted to two self-contained flats, one at each floor level. The Appellant maintains that the conversion into two flats is immune from enforcement action and that an LDC should thus be granted. To be immune from enforcement action the Appellant must provide sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probabilities, that the two flats were continuously used for the four year period prior to the date of the application; 5 November 2020 to 5 November 2024.
4. The Appellant has submitted a confirmation statement in which he states that “The upper flat...has been rented out...for the last 8 years...”, and “The ground floor has also been used as a...self-contained flat for the past 8 years...I lived there for 7.5 years. I then moved out before June 2024 and rented the ground flat, it is still being rented today for the past 6 months and I provide a rent statement to confirm this”. No rent statement has been provided for the ground floor flat but rent statements submitted indicate that the first floor flat was rented from 25 March 2020 to 24 April 2024.
5. No other documentary evidence has been submitted, such as Council Tax bills or payments, utility bills or payments, or tenancy agreements. There is no evidence of occupation of the first floor flat after 24 April 2024 and no evidence of occupation of the ground floor flat at any time. Whilst the Appellant’s occupation of the ground floor flat is not doubted, his confirmation statement is not a Statutory Declaration and there is no evidence to corroborate his claimed occupation of the flat.

6. Evidence submitted in support of the appeal is imprecise and does not demonstrate, even on the balance of probabilities, that the two self-contained flats were continuously occupied between 5 November 2020 and 5 November 2024. The flats are not thus immune from enforcement action.

7. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for use of premises as two self-contained flats at 79 Norfolk Road, Enfield, London was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector